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9 *7-Eleven, Inc.*

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 SYED ASGHAR SHAHEEN,
7-ELEVEN FRANCHISEE #34682A,
13 DBA SASHA 786 CORPORATION,

14 Plaintiff,

15 v.

16 7-ELEVEN, INC.,

17 Defendant.

Case No. 2:24-cv-00101

**STIPULATION TO AMEND
SCHEDULING ORDER
(First Request)**

18 Defendant 7-Eleven, Inc. (“**7-Eleven**”) and Plaintiffs Syed Shaheen Asghar (“**Mr.**
19 **Asghar**”) and Sasha 786 Corporation (“**Sasha 786**”) stipulate to amend the Discovery Plan and
20 Scheduling Order (Dkt. 17) and say:

21 1. The parties have not previously sought a modification of the deadlines set forth in
22 the Discovery Plan and Scheduling Order.

23 2. The deadline for the parties to complete all fact discovery is October 2, 2024. (*See*
24 Dkt. 17, at ¶ 4).

25 3. In the preceding months, the parties have diligently pursued discovery. Plaintiffs
26 and 7-Eleven have served written discovery, exchanged document productions, and participated in
27 the below depositions:
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- 1) Detective Alba Ortiz, Las Vegas Metropolitan Police Department (September 16, 2024)
- 2) Corporate Representative of Plaintiff Sasha 786 Corporation (“**Sasha 786**”) (September 19, 2024)
- 3) Bharat Chokshi, 7-Eleven Area Leader (September 24, 2024)
- 4) Jeremy Ramey, 7-Eleven Market Leader (September 24, 2024)

4. In addition to the above discovery, 7-Eleven issued document subpoenas to non-parties Clark County Department of Business License (“**CCBL**”) and Las Vegas Metropolitan Police Department (“**LVMPD**”).

5. 7-Eleven also issued a deposition subpoena to Michael Eddington, a detective with LVMPD’s Special Investigations Section. The deposition of Detective Eddington was originally scheduled to occur during the discovery period. However, the Assistant General Counsel of LVMPD, Martina Bauhaus, informed 7-Eleven that Detective Eddington is currently on leave and unavailable for deposition until *after* November 2, 2024.

6. 7-Eleven seeks the testimony of Detective Eddington because he is the representative of LVMPD who conducted a site check at Sasha 786’s franchised 7-Eleven® store and issued twelve Notices of Non-Compliance to Sasha 786 on March 6, 2023. Detective Eddington also testified during the CCBL suspension hearing that resulted in the revocation of Sasha 786’s license to operate. Detective Eddington thus has unique, firsthand knowledge concerning the allegations asserted by Sasha 786 in the First Amended Complaint. (See Dkt. 12, at ¶¶ 44-45, 80, 87-88).

7. For these reasons, 7-Eleven requests that the Court extend the fact discovery deadline until December 2, 2024 for the limited purpose of conducting the deposition of Detective Michael Eddington. The requested extension allows thirty (30) days for the parties to coordinate and conduct the deposition of Detective Eddington upon his return from leave.

8. This narrow extension of the discovery deadline is supported by good cause because 7-Eleven exercised diligence in issuing the subpoena, and the witness’s unavailability was outside the parties’ control. See, e.g., *Erection Co. v. Archer West. Contractors, LLC*, 2013 WL 5954681,

1 at *1 (D. Nev. Nov. 6, 2013) (extending discovery deadline and finding good cause shown where
2 defendant noticed and scheduled deposition in a timely manner prior to discovery deadline but
3 deposition did not occur due to witness's unavailability related to medical appointment).

4 9. The parties likewise request that the Court adjust the dispositive motion deadline.
5 The current deadline to file dispositive motions is November 1, 2024. (*See* Dkt. 17, at ¶ 7). The
6 proposed extension of the fact discovery deadline warrants an extension of the dispositive motion
7 deadline because Detective Eddington is unavailable for deposition prior to the current deadline.

8 10. In addition, 7-Eleven's Motion to Dismiss Plaintiff's First Amended Complaint
9 remains pending. (*See* Dkt. 14). In the interests of judicial efficiency and to preserve the Court's
10 and parties' resources, the parties request that the Court suspend the dispositive motion deadline
11 until the Court has ruled on the Motion to Dismiss and the pleadings are closed.

12 11. The continued deposition of Detective Michael Eddington and the pending Motion
13 to Dismiss both support an extension of the dispositive motion deadline. *See, e.g., Navarrete v.*
14 *Poly-West, Inc.*, 2019 WL 13211489, at *2 (D. Nev. Dec. 4, 2019) (extending dispositive motion
15 deadline where adjusted discovery schedule "would leave only five days for the parties to file their
16 motions for summary judgment" and explaining "[t]he Court also recognizes the difficulty in filing
17 motions for summary judgment due to Defendant's Motion to Dismiss . . . still pending before the
18 Court."); *Bayview Loan Servicing, LLC v. Williams*, 2018 WL 834590, at *2 (D. Nev. Feb. 9, 2018)
19 (granting stipulated request to stay dispositive motion deadline pending court's ruling on motion to
20 dismiss).

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12. Accordingly, the parties request that the Court hold a scheduling conference after the Court rules on the Motion to Dismiss to establish a new dispositive motion deadline.

Dated: October 2, 2024.

Respectfully submitted,

QUARLES & BRADY LLP

LAW OFFICE OF MALIK W. AHMAD

/s/ Christian C. Burden

/s/ Malik W. Ahmad

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and Sasha 786 Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2024, I caused a true and correct copy of the foregoing **STIPULATION TO AMEND SCHEDULING ORDER** to be filed with the Clerk of the Court through the U.S. District Court ECF System, which caused notice of such filing to be sent electronically to the registered attorneys of record.

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s/Christian C. Burden
Christian C. Burden

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 SYED ASGHAR SHAHEEN,
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6 DBA SASHA 786 CORPORATION,

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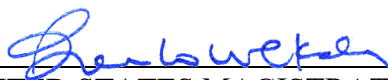
**AGREED ORDER AMENDING
SCHEDULING ORDER**

11 This action is before the Court on the parties' Stipulation to Amend Scheduling Order that
12 jointly requests entry of this Order. Accordingly, IT IS ORDERED that:

13 1. The fact discovery deadline is extended until December 2, 2024 for the limited
14 purpose of allowing the parties to coordinate and conduct the deposition of Detective Michael
15 Eddington.

16 2. The dispositive motion deadline is suspended pending resolution of Defendant 7-
17 Eleven, Inc.'s Motion to Dismiss (Dkt. 14) and further order of the Court.

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19 SO ORDERED this 4 day of October, 2024.

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21 UNITED STATES MAGISTRATE JUDGE
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